

Municipal Building
1200 Mountain Avenue

May 11, 2004

A public meeting of the Mayor and Council was held at the above place on the above date commencing at 8:00 p.m.

Mayor	Ronald S. Dobies
Council President	Michael Hompesch
	Giancarlo Colitti (absent)
	Jerry D'Angelo
	Josephine Liana
	Garrett Mulcahy
	Laura Thomasey (absent)

Attorney:	George Hendricks
Administrator:	Joseph Manning

Mayor Dobies opened the meeting with the Sunshine Law Statement saying the meeting had been advertised in the Public Meeting Notice of January 6, 2004.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #153-04

TEMPORARY CAPITAL BUDGET RESOLUTION

WHEREAS, the local capital budget has not been adopted for the year 2004; and

WHEREAS, it is desired to file a temporary capital budget for the year 2004 prior to adoption of the capital budget.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, that the temporary capital budget be amended for the sanitary sewer system improvement project, including all preliminary planning expenses and videotaping inspection of portions of the system to be determined, including all work and materials necessary therefor and incidental thereto for the estimated total cost of \$1,800,000, with the amount of \$1,800,000, debt authorized.

Councilwoman Liana moved for adoption seconded by Councilman D'Angelo and carried by the following roll call votes: Ayes: Members D'Angelo, Hompesch, Liana, and Mulcahy. Nos.: None. Abstain: None.

The Borough Clerk read Ordinance No. 1611-04 for introduction.

ORDINANCE NO. 1611-04

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 1590-03 OF THE
BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY
FINALLY ADOPTED NOVEMBER 25, 2003 IN ITS ENTIRETY TO PROVIDE FOR AN
APPROPRIATION OF \$1,800,000 FOR IMPROVEMENTS TO THE SANITARY SEWER
SYSTEM**

Councilman Hompesch moved for introduction of Ordinance No. 1611-04 seconded by Councilman D'Angelo and carried by the following roll call vote: Ayes: Members D'Angelo, Hompesch, Liana, and Mulcahy. Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2004(H)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex is not desirous of removing any resolutions from the Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #139-04 - Resolution #150-04
Resolution #152-04 & Resolution #154-04

Councilman Hompesch moved for adoption seconded by Councilman D'Angelo and carried by the following roll call votes: Ayes: Members D'Angelo, Hompesch, Liana, and Mulcahy Nos.: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #139-04

WHEREAS, by letter dated April 12, 2004 the Middlesex Boro Rescue Squad has requested the Mayor and Council donate the Borough Fire Chief 's 1992 Chevy Suburban Wagon, Vin. No. 1GNGK 26K4N J3578 79 to the Rescue Squad.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that the Governing Body hereby approves donating the 1992 Chevy Suburban Wagon, Vin. No. 1GNGK 26K4N J3578 79, in "as is" condition, to the Middlesex Borough Rescue Squad.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #140-04

**AUTHORIZING JOSEPH PRYOR OF KUPPER ASSOCIATES TO FILE THE 2004
TRANSPORTATION TRUST FUND APPLICATION WITH THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION**

WHEREAS, Joseph Pryor of Kupper Associates has requested permission from the Mayor and Council to file applications for the 2005 Transportation Trust Fund, State Aid Program for the following projects:

1. Cedar Avenue – Lincoln Boulevard to Piscataway border
2. Orchard Road – Route 28 to Beechwood Avenue
3. Beechwood Avenue – Shepherd Avenue to Route 28

WHEREAS, the Mayor and Council approve of the projects as defined and prioritized above.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the Mayor and Borough Clerk are hereby authorized to sign the necessary application and authorizing the Engineer to file the application.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #141-04

**RESOLUTION OF THE
BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY
DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR
PROJECT COSTS FROM PROCEEDS OF DEBT OBLIGATION IN CONNECTION
WITH THE BOROUGH'S PARTICIPATION IN THE 2004 NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM**

WHEREAS, the Borough of Middlesex, in the County of Middlesex, New Jersey) the "Borrower") intends to acquire, construct, renovate or install the environmental infrastructure project more fully described in Exhibit A attached hereto (the "Project");

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may incur and pay for certain costs of the Project ("Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower which are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Environmental Infrastructure Trust (the

“Issuer”) to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer’s obligations (the “Project Bonds”); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs incurred and paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW THEREFORE, BE IT RESOLVED by the Members of the governing body of the Borrower, in the County of Middlesex, New Jersey as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligation.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower’s official intent to reimburse the expenditure of Project Costs incurred and paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations Section 150.2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the project is \$1,800,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be “capital expenditures” in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulations Section 1.148-10 to avoid arbitrage restrictions or to avoid the restrictions under Sections 142 through 147 of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds,” including “sinking funds,” “pledged funds,” of funds subject to a “negative pledge” (as such terms are defined in Treasury Regulations Section 1.148-1) of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulations Section 1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is “placed in service” (within the meaning of Treasury Regulations Section 1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

Section 7. This resolution will take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #142-04

Authorizing Kupper Associates to go out to bid for the reconstruction of Shepherd Avenue.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #143-04

WHEREAS, Sadat Associates, Inc. is in the process of completing a Remedial Investigation Report Addendum/Remedial Action Workplan for the borough of Middlesex; and

WHEREAS, this Workplan, which will be forwarded to the New Jersey Department of Environmental Protection, must include a certification which must be executed by the principal executive officer or ranking elected official.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. Mayor Dobies is hereby authorized to execute the Certification which will be forwarded to the New Jersey Department of Environmental Protection with the Remedial Investigation Report Addendum/Remedial Action Workplan for the Borough of Middlesex.
2. This resolution shall take effect immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #144-04

The Mayor and Council hereby accept the resignation of Patrolman Thomas Rizzo from the Middlesex Borough Police Department effective April 30, 2004.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #145-04

WHEREAS, the Fire Department has requested new self-contained breathing apparatus; and

WHEREAS, Firefighters Equipment Co., Dover, New Jersey has provided a quote of \$53,999.52 to provide the self-contained breathing apparatus; and

WHEREAS, Firefighters Equipment Co. holds State Contract No.A53071.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The Governing Body hereby awards the bid for the Self Contained Breathing Apparatus in the amount of \$53,999.52 for the Fire Department from Firefighters Equipment Co., Dover, New Jersey, under State Contract No. A53071.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds are available in Account No. 04-1605-00-1605-74.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #146-04

The Tax Collector is hereby authorized to cancel the 2002 Sanitary Sewer Use Charges on Block 318, Lot 38.A, Mountain Avenue, Absolute Auto upon recommendation of the Borough Engineer. The Middlesex Board of Health has confirmed that this facility is serviced by an on-site septic system.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #147-04

The Tax Collector is hereby authorized to transfer \$540.00 from Block 86, Lot 6.02/C0002 to Block 86, Lot 6.02/C0001. The mortgage company made an error in coding of the payment.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #148-04

WHEREAS, an emergent condition has arisen with respect to providing temporary appropriations sufficient to cover commitments made during the period of January 1, 2004 to the date of adoption of the annual budget and no adequate provision has been made in the 2004 temporary appropriations to cover such commitments, and N.J.S.A. 40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose of covering such commitments; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2004 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$8,095,974.00 for the Current Fund Budget, \$195,750.00 for the Swimming Pool Utility Budget;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all of the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A.

<u>APPROPRIATIONS</u>	<u>ACCOUNT NO.</u>	<u>SALARIES & WAGES</u>	<u>OTHER EXPENSES</u>
CURRENT FUND			
General Government			
Administration	20-1001	35,327	8,000
Mayor & Council	20-1101	3,000	1,250
Municipal Clerk	20-1231	26,564	2,875
Printing & Advertising	20-1202		3,375
Postage	20-1222		7,250
Finance Administration	20-1301	22,161	7,915
Elections	20-1242		5,250
Revenue Administration	20-1451	12,022	1,402
Assessment of Taxes	20-1501	10,117	3,000
Legal	20-1551	10,397	5,250
Engineering	20-1652		18,500
Planning Board	21-1802		2,250
Zoning Board	21-1852		4,300
Ins. Liability	23-2102		50,430
Ins. Workmens Comp.	23-2152		14,702
Ins. Group	23-2202		170,250
Ins. Surety	23-2112		
Ins. Temp. Disability	23-2122		4,375
Ins. Long Term Disab.	23-2132		1,875
Public Safety			
Police	25-2401	683,946	38,925
Juvenile	25-2411	426	187
Emergency Management	25-2521		3,462
Fire	25-2652		21,750
Fire Hydrants	25-2572		48,375
Prosecutor	25-2752		5,250
Accident & Safety	25-2762		4,875
Public Works			
Streets & Roads	26-2901	170,413	10,362
Shade Tree	26-3001	500	8,425
Solid Waste	25-3051	38,011	1,149
Garbage	25-3071	161,792	8,870
Bldg & Grds	25-3101	7,025	5,250
Rental Rescue Squad	25-3082		1,500
Maintenance Communications	25-3092		625
Health & Human Services			
Board of Health	25-3092	1,617	31,642
Animal Control	27-3453		2,500
Parks & Recreation			
Recreation	28-3701	25,063	13,526
Celebration of Public Events	30-4200		8,500

Parks & Playgrounds	28-3751	72,987	
Sr. Citizen Bus Transportation	28-3721	9,063	850
Sr. Coordinator	28-3731	8,975	1,425
Utility Expenses			
Sewer Department	31-4551	29,283	8,399
Electricity	31-4302		33,750
Street Lighting	31-4352		39,750
Telephone	31-4402		14,300
Water	31-4452		3,750
Natural Gas	31-4462		1,750
Fuel Oil	31-4472		8,750
Gasoline	31-4602		15,250
Other Operating			
Housing & Community Devel.	30-4161		
Environmental	30-4171		288
Tax Map Maintenance	30-4182		1,500
Landfill	32-4652		163,000
Construction	22-1951	46,238	3,400
Municipal Court	43-4901	44,044	23,425
Public Defender	43-4952		2,750
Library	29-3902		112,395
Utilities Authority	25-3122		283,190
Piscataway Sewerage	25-3112		25,000
Estimated Tax Bills	36-4767		4,575
Res. Hometown Day	30-4201		
Curbside Recycling	36-4766		35,821
Statutory Expenses			
Police Retirement	36-4752		
Social Security	36-4722		61,500
Debt Service			
Bond Principal	45-9202		
Bond Interest	45-9302		83,145
BAN	45-9202		2,000,000
Ban Interest	45-9302		10,200
Green Acres Loan & Interest	45-9402		17,393
Hazardous Loan	45-9412		133,557
Hazardous Loan Interest	45-9412		14,257
State & Federal Grants			
Drug Alliance	41-7032		4,629
Older American	41-7092		8,850
Tobacco Settlement	41-7043		1,007
DWI	41-7011		8,000
Municipal DWI	41-7022		2,780
Green Communities Grant			2,000
Clean Community	41-7002		10,000

TOTAL CURRENT FUND			1,418,971	1,409,506
Swimming Pool Utility				
Operating Appropriations	01-7001		39,125	36,625
TOTAL SWIM POOL			39,125	36,625

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #149-04

WHEREAS, the Middlesex Borough Office on Aging is required to enter into a Business Associate Agreement with the Middlesex county Department on Aging based upon the Health Insurance Portability and Accountability Act of 1996 Privacy Rule.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that Mayor Dobies is hereby authorized to execute the Middlesex County Business Associate Agreement.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #150-04

WHEREAS, Consulting & Municipal Foresters Co., Inc., (CMF) Old Bridge, New Jersey has submitted a proposal for a Community Forestry Management Plan; and

WHEREAS, the objective is to provide professional forestry services to the Borough of Middlesex for the preparation and approval of this Plan; and

WHEREAS, the proposed costs submitted by Consulting & Municipal Foresters Co., Inc. (CMF) for the Community Forestry Management Plan is \$3,500.00

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The Mayor and Council hereby approve Consulting & Municipal Foresters Co., Inc. (CMF) of Old Bridge, New Jersey to provide for the Borough of Middlesex a Community Forestry Management Plan at a cost not to exceed \$3,500.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that \$2,000 of the funds are available in the Green Communities Grant, \$1,000 of the funds are available in the current year's grant match and \$500 from Account No. 26-3002.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #151-04

WHEREAS, Joseph Pryor of Kupper Associates forwarded to the Mayor and Council on February 25, 2004 a letter regarding the engineering budget for the Bound Brook Road Pump Station Improvement Project; and

WHEREAS, Kupper has indicated that the additional \$9,000 needed from the engineering budget was used to:

1. Conduct a hydraulic analysis of the pump station.
2. Modify the contract specifications to include the replacement pump rotating assembly; and
3. Research available drawings and documents to enable us to re-use the existing control panel and upgrade components with current technology.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The Mayor and Council hereby approve increasing the engineering budget for the Bound Brook Road Pump Station by \$9,000.
2. This resolution shall take effect immediately.

NOW FURTHER BE IT RESOLVED, that the Chief Financial Officer hereby certifies that funds are available in Ordinance No. 1607-04.

Councilman Hompesch moved for adoption seconded by Councilman Mulcahy and carried by the following roll call votes: Ayes: Members Hompesch, Liana, and Mulcahy Nos.: None. Abstain: D'Angelo.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #152-04

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #154-04

**RESOLUTION OF THE BOROUGH OF MIDDLESEX
MAKING APPLICATION TO THE LOCAL FINANCE
BOARD PURSUANT TO N.J.S.A. 58:11B-9(a), N.J.S.A. 40A:2-
26(e) AND N.J.S.A. 40A:2-7(d)**

WHEREAS, the Borough of Middlesex, New Jersey (the “Borough”) desires to make an application to the Local Finance Board for its approval (i) pursuant to N.J.S.A. 58:11B-9(a) of a proposed financing through the 2004 New Jersey Environmental Infrastructure Trust Financing Program for the Sanitary Sewer Rehabilitation Project; (ii) pursuant to N.J.S.A. 40A:2-26 (e) of a non-conforming maturity schedule in connection with such financing; and (iii) pursuant to N.J.S.A. 40A:2-7(d) of a waiver of the required down payment in connection with the authorizing bond ordinance.

WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish such purposes;
- (b) said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purposes or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX as follows:

Section 1. The application to the Local Finance Board is hereby approved and the Borough’s Bond Counsel, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey statute.

Mayor Dobies opened the public portion of the meeting for comments or questions. Seeing that there was no public participation, Mayor Dobies closed the public portion of the meeting.

Councilman D’Angelo moved the approval of the resignation of Nick Santillo, Jr. from the Middlesex Fire Department and Parker Engine & Hose Co. #4 seconded by Council President Hompesch and carried by a unanimous vote.

Councilman D’Angelo moved the acceptance of Shawn Young as a qualified driver of Truck 25 and Joe Dudley as a qualified driver of Engine 22 seconded by Council President Hompesch and carried by a unanimous vote.

Councilman Mulcahy moved the approval of the April, 2004 Municipal Court Report seconded by Council President Hompesch and carried by a unanimous vote.

Councilman Mulcahy moved the approval of the April, 2004 Police Report seconded by Council President Hompesch and carried by a unanimous vote.

Council President Hompesch moved the approval of the March 23, 2004, April 13, 2004 and April 27, 2004 Public Meeting Minutes and the April 13, 2004 and April 27, 2004 Agenda Meeting Minutes seconded by Councilman D'Angelo and carried by a unanimous vote.

There being no further business to discuss, the meeting was adjourned by Councilman Mulcahy and seconded by Councilwoman Liana and carried by unanimous vote of Council.

Respectfully submitted,

Kathleen Anello, RMC
Borough Clerk

